

RIGHTS IN SYRIA AND LEBANON

Convention signed at Paris April 4, 1924; exchange of notes at Paris, November 2 and December 18, 1923, and April 4, 1924

Senate advice and consent to ratification May 14, 1924

Ratified by the President of the United States June 5, 1924

Ratified by France July 3, 1924

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Proclaimed by the President of the United States August 13, 1924

Continued in effect between the United States and Syria and Lebanon, respectively, as to rights of the United States and its nationals, by agreements of September 7 and 8, 1944,¹ in connection with U.S. recognition of the independence of Syria and Lebanon

43 Stat. 1821; Treaty Series 695

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND FRANCE REGARDING THE MANDATE FOR SYRIA AND THE LEBANON

The President of the United States of America and the President of the French Republic,

Whereas by the Treaty of Peace concluded with the Allied Powers, Turkey renounces all her rights and titles over Syria and the Lebanon, and,

Whereas Article 22 of the Covenant of the League of Nations in the Treaty of Versailles² provides that in the case of certain territories which as a consequence of the late war ceased to be under the sovereignty of the states which formerly governed them, mandates should be issued and that the terms of the mandate should be explicitly defined in each case by the Council of the League, and,

Whereas the Principal Allied Powers have agreed to entrust the mandate for Syria and the Lebanon to France, and,

Whereas the terms of the said mandate have been defined by the Council of the League of Nations as follows:

¹ EAS 434, *post*, SYRIA; and EAS 435, *post*, LEBANON.

² *Ante*, vol. 2, p. 55.

ARTICLE 1. The Mandatory shall frame, within a period of three years from the coming into force of this mandate, an organic law for Syria and the Lebanon.

This organic law shall be framed in agreement with the native authorities and shall take into account the rights, interests, and wishes of all the population inhabiting the said territory. The Mandatory shall further enact measures to facilitate the progressive development of Syria and the Lebanon as independent States. Pending the coming into effect of the organic law, the government of Syria and the Lebanon shall be conducted in accordance with the spirit of this mandate.

The Mandatory shall, as far as circumstances permit, encourage local autonomy.

ARTICLE 2. The Mandatory may maintain its troops in the said territory for its defence. It shall further be empowered, until the entry into force of the organic law and the re-establishment of public security, to organise such local militia as may be necessary for the defence of the territory, and to employ this militia for defence and also for the maintenance of order. These local forces may only be recruited from the inhabitants of the said territory.

The said militia shall thereafter be under the local authorities, subject to the authority and the control which the Mandatory shall retain over these forces. It shall not be used for purposes other than those above specified save with the consent of the Mandatory.

Nothing shall preclude Syria and the Lebanon from contributing to the cost of the maintenance of the forces of the Mandatory stationed in the territory.

The Mandatory shall at all times possess the right to make use of the ports, railways and means of communication of Syria and the Lebanon for the passage of its troops and of all materials, supplies and fuel.

ARTICLE 3. The Mandatory shall be entrusted with the exclusive control of the foreign relations of Syria and the Lebanon and with the right to issue exequaturs to the consuls appointed by foreign Powers. Nationals of Syria and the Lebanon living outside the limits of the territory shall be under the diplomatic and consular protection of the Mandatory.

ARTICLE 4. The Mandatory shall be responsible for seeing that no part of the territory of Syria and the Lebanon is ceded or leased or in any way placed under the control of a foreign Power.

ARTICLE 5. The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, shall not be applicable in Syria and the Lebanon. Foreign consular tribunals shall, however, continue to perform their duties until the coming into force of the new legal organisation provided for in Article 6.

Unless the Powers whose nationals enjoyed the afore-mentioned privileges and immunities on August 1st, 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application during a specified period, these privileges and immunities shall at the expiration of the mandate be immediately re-established in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

ARTICLE 6. The Mandatory shall establish in Syria and the Lebanon a judicial system which shall assure to natives as well as to foreigners a complete guarantee of their rights.

Respect for the personal status of the various peoples and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in complete accordance with religious law and the dispositions of the founders.

ARTICLE 7. Pending the conclusion of special extradition agreements, the extradition treaties at present in force between foreign Powers and the Mandatory shall apply within the territory of Syria and the Lebanon.

ARTICLE 8. The Mandatory shall ensure to all complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality. No discrimination of any kind shall be made between the inhabitants of Syria and the Lebanon on the ground of differences in race, religion or language.

The Mandatory shall encourage public instruction, which shall be given through the medium of the native languages in use in the territory of Syria and the Lebanon.

The right of each community to maintain its own schools for the instruction and education of its own members in its own language, while conforming to such educational requirements of a general nature as the administration may impose, shall not be denied or impaired.

ARTICLE 9. The Mandatory shall refrain from all interference in the administration of the Councils of management (*Conseils de fabrique*) or in the management of religious communities and sacred shrines belonging to the various religions, the immunity of which has been expressly guaranteed.

ARTICLE 10. The supervision exercised by the Mandatory over the religious missions in Syria and the Lebanon shall be limited to the maintenance of public order and good government; the activities of these religious missions shall in no way be restricted, nor shall their members be subjected to any restrictive measures on the ground of nationality, provided that their activities are confined to the domain of religion.

The religious missions may also concern themselves with education and relief, subject to the general right of regulation and control by the Mandatory or of the local government, in regard to education, public instruction and charitable relief.

ARTICLE 11. The Mandatory shall see that there is no discrimination in Syria or the Lebanon against the nationals, including societies and associations, of any State Member of the League of Nations as compared with its own nationals, including societies and associations, or with the nationals of any other foreign State in matters concerning taxation or commerce, the exercise of professions or industries, or navigation, or in the treatment of ships or aircraft. Similarly, there shall be no discrimination in Syria or the Lebanon against goods originating in or destined for any of the said States; there shall be freedom of transit, under equitable conditions, across the said territory

Subject to the above, the Mandatory may impose or cause to be imposed by the local governments such taxes and customs duties as it may consider necessary. The Mandatory, or the local governments acting under its advice, may also conclude on grounds of contiguity any special customs arrangements with an adjoining country.

The Mandatory may take or cause to be taken, subject to the provisions of paragraph 1 of this article, such steps as it may think best to ensure the development of the natural resources of the said territory and to safeguard the interests of the local population.

Concessions for the development of these natural resources shall be granted without distinction of nationality between the nationals of all States Members of the League of Nations, but on condition that they do not infringe upon the authority of the local Government. Concessions in the nature of a general monopoly shall not be granted. This clause shall in no way limit the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory of Syria and the Lebanon, and with a view to assuring to the territory the fiscal resources which would appear best adapted to the local needs, or, in certain cases, with a view to developing the natural resources either directly by the State or through an organisation under its control, provided that this does not involve either directly or indirectly the creation of a monopoly of the natural resources in favour of the Mandatory or its nationals, nor involve any preferential treatment which would be incompatible with the economic, commercial and industrial equality guaranteed above.

ARTICLE 12. The Mandatory shall adhere, on behalf of Syria and the Lebanon, to any general international agreements already existing, or which may be concluded hereafter with the approval of the League of Nations, in respect of the following: the slave trade, the traffic in drugs, the traffic in arms and ammunition, commercial equality, freedom of transit and navigation, aerial navigation, postal, telegraphic or wireless communications, and measures for the protection of literature, art or industries.

ARTICLE 13. The Mandatory shall secure the adhesion of Syria and the Lebanon, so far as social, religious and other conditions permit, to such measures of common utility as may be adopted by the League of Nations for preventing and combating disease, including diseases of animals and plants.

ARTICLE 14. The Mandatory shall draw up and put into force within twelve months from this date a law of antiquities in conformity with the following provisions. This law shall ensure equality of treatment in the matter of excavations and archaeological research to the nationals of all States Members of the League of Nations.

1° "Antiquity" means any construction or any product of human activity earlier than the year 1700 A. D.

2° The law for the protection of antiquities shall proceed by encouragement rather than by threat.

Any person who, having discovered an antiquity without being furnished with the authorisation referred to in paragraph 5, reports the same to an official of the competent Department, shall be rewarded according to the value of the discovery.

3° No antiquity may be disposed of except to the competent Department, unless this Department renounces the acquisition of any such antiquity.

No antiquity may leave the country without an export license from the said Department.

4° Any person who maliciously or negligently destroys or damages an antiquity shall be liable to a penalty to be fixed.

5° No clearing of ground or digging with the object of finding antiquities shall be permitted, under penalty of fine, except to persons authorised by the competent Department.

6° Equitable terms shall be fixed for expropriation, temporary or permanent, of lands which might be of historical or archaeological interest.

7° Authorisation to excavate shall only be granted to persons who show sufficient guarantees of archaeological experience. The Mandatory shall not, in granting these authorisations, act in such a way as to exclude scholars of any nation without good grounds.

8° The proceeds of excavations may be divided between the excavator and the competent Department in a proportion fixed by that Department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

ARTICLE 15. Upon the coming into force of the organic law referred to in article 1, an arrangement shall be made between the Mandatory and the local governments for reimbursement by the latter of all expenses incurred by the Mandatory in organising the administration, developing local resources, and carrying out permanent public works, of which the country retains the benefit. Such arrangement shall be communicated to the Council of the League of Nations.

ARTICLE 16. French and Arabic shall be the official languages of Syria and the Lebanon.

ARTICLE 17. The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of this mandate. Copies of all laws and regulations promulgated during the year shall be attached to the said report.

ARTICLE 18. The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

ARTICLE 19. On the termination of the mandate, the Council of the League of Nations shall use its influence to safeguard for the future the fulfilment by the Government of Syria and the Lebanon of the financial obligations, including pensions and allowances, regularly assumed by the administration of Syria or of the Lebanon during the period of the mandate.

ARTICLE 20. The Mandatory agrees that if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.³

Whereas the mandate in the above terms came into force on September 29, 1923, and,

Whereas the United States of America by participating in the war against Germany contributed to her defeat and the defeat of her allies and to the renunciation of the rights and titles of her allies in the territory transferred by them, but has not ratified the Covenant of the League of Nations embodied in the Treaty of Versailles, and,

Whereas the Government of the United States and the Government of France desire to reach a definite understanding with respect to the rights of the two Governments and their respective nationals in Syria and the Lebanon;

The President of the United States of America and the President of the French Republic have decided to conclude a convention to this effect and have nominated as their Plenipotentiaries:

THE PRESIDENT OF THE UNITED STATES OF AMERICA:

His Excellency Mr. MYRON T. HERRICK, Ambassador Extraordinary and Plenipotentiary of the United States of America to France,

AND THE PRESIDENT OF THE FRENCH REPUBLIC:

M. Raymond POINCARÉ, Senator, President of the Council, Minister of Foreign Affairs,

Who after communicating to each other their respective full powers found in good and due form, have agreed as follows:

³ *Ante*, vol. 2, p. 52.

ARTICLE 1

Subject to the provisions of the present convention the United States consents to the administration by the French Republic, pursuant to the aforesaid mandate, of Syria and the Lebanon.

ARTICLE 2

The United States and its nationals shall have and enjoy all the rights and benefits secured under the terms of the mandate to members of the League of Nations and their nationals, notwithstanding the fact that the United States is not a member of the League of Nations.

ARTICLE 3

Vested American property rights in the mandated territories shall be respected and in no way impaired.

ARTICLE 4

A duplicate of the annual report to be made by the mandatory under Article 17 of the mandate shall be furnished to the United States.

ARTICLE 5

Subject to the provisions of any local laws for the maintenance of public order and public morals, the nationals of the United States will be permitted freely to establish and maintain educational, philanthropic and religious institutions in the mandated territory, to receive voluntary applicants and to teach in the English language.

ARTICLE 6

Nothing contained in the present convention shall be affected by any modification which may be made in the terms of the mandate as recited above unless such modification shall have been assented to by the United States.

ARTICLE 7

The present convention shall be ratified in accordance with the respective constitutional methods of the High Contracting Parties. The ratifications shall be exchanged at Paris as soon as practicable. The present convention shall take effect on the date of the exchange of ratifications.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Convention and have affixed thereto their seals.

DONE in duplicate at Paris, the 4 day of April, in the year 1924.

MYRON T. HERRICK [SEAL]

R. POINCARÉ [SEAL]

EXCHANGE OF NOTES

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

PARIS, November 2, 1923

MR. AMBASSADOR:

In a letter dated October 24th last, the Chargé d'Affaires of the United States was good enough to inform me that the Federal Government was disposed to continue negotiations with the French Government for the signature of a convention relative to the French mandate for Syria and the Lebanon. In fact an agreement was reached on July 13, 1922, on a draft convention the signature of which was deferred until such time as a peace treaty should be signed between the Allied Powers and Turkey and the mandate for Syria and the Lebanon should come into force. The signature of peace with Turkey on July 24, 1923, and the coming into force of a mandate, the terms of which were approved by the Federal Government in 1922, now permit the conclusion of the convention prepared between the United States and France.

On the other hand, the Federal Government has expressed the desire to take into account, in this convention, if necessary, any agreements which may have been reached since 1922 between the French Government and other Governments regarding Syria.

I have the honor to inform Your Excellency that the French Government has limited itself in this respect to giving the Italian Government the assurances which the latter has requested in regard to the interests with which it is charged. The French Government has stated that it would consider favorably the establishment between Syria, on the one hand, and the Island of Rhodes and other territories over which Italy has rights in the Eastern Mediterranean, on the other, of a system of coastwise shipping, similar to that which through proximity may grow up between Syria and Palestine. It has also confirmed, in conformity moreover with the principles of the mandate, that the advantages obtained by Italy in the settlement of peace in the Orient did not deprive her of the benefit of the economic equality ensured in Syria to all members of the League of Nations.

Consequently, the following explanations have been furnished the Italian Government:

"Within the limit of its powers and its obligations as a mandatory power, the French Government will apply itself to prevent any provision of the legislation of Syria and the Lebanon from aiming to impose upon aliens in Syria or the Lebanon a change of nationality, with the exception of any change resulting from marriage."

The object of article XI of the mandate for Syria is not to exclude the participation of Italian enterprise in the public works and services, and works of public utility, nor in the development of the natural resources of the country when the administration does not proceed with them directly itself. In case of such participation, the French Government would be disposed to consider favorably the conclusion of an agreement with the Royal Government to regulate the conditions of Italian labor which would as a consequence be admitted into Syria.

The French Government gives the Italian Government the assurance that the definitive judicial organization in Syria and the Lebanon will provide that the tribunals to which aliens will be subject will be composed of a majority of French judges, except in the case of suits of little importance, against the judgments in which, however, appeal may be brought before courts which have a majority of French judges.

The French Government gives to the Italian Government the assurance that the object of article X of the mandate for Syria and the Lebanon will not be to prevent the opening of new Italian schools or to limit the right of these schools to receive pupils from other communities. The supervision of the mandate will be limited strictly to what is required by public order and good administration. It adds that there is no intention of authorizing any arbitrary intervention in the internal affairs of any faith.

The French Government assures the Royal Government that Italian schools, orphanages, asylums, hospitals, and dispensaries will enjoy in Syria and the Lebanon free customs entry, with the exception of those institutions which carry on agricultural or industrial enterprises having a commercial character.

Goods amounting to a sum which is to be determined, imported for the personal use of the members of such institutions, will be admitted free of customs duty.

It is understood that the present advantages will only be granted in the measure that, and as long as, the conditions attached to them are strictly observed in letter and in spirit."

The foregoing assurances being in conformity with the provisions of the mandate and their benefit being assured to the United States of America as to all the members of the League of Nations by article 2 of the draft Franco-American convention, and by article 11 of the mandate, I am pleased to believe, Mr. Ambassador, that the Federal Government will deem it possible to proceed shortly with the negotiations for the conclusion of a convention, the terms of which I am happy to have established with Your Excellency.

Kindly accept [etc.]

POINCARÉ

The American Ambassador to the Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
PARIS, *December 18, 1923*

No. 2509

MONSIEUR LE PRESIDENT DU CONSEIL,

My Government has been gratified to note from your communication of November 2nd, the desire of the French Government to proceed promptly to the conclusion of a Convention with respect to the mandate for Syria and the Lebanon, and considers that the communication which Your Excellency was good enough to address to me under date of November 2nd, and the draft Convention enclosed with your communication, furnish a satisfactory basis for such action.

Note has been taken of the statement in your communication of November 2nd, that the benefits of the Agreement which your Government has reached with Italy as therein outlined would be assured to the United States of America. I assume that your Government would also be prepared to accord to the United States Government and to American nationals most favored nation treatment not only as regards the recent agreement with Italy, but with respect to any other agreements relating to Syria and the Lebanon which might be concluded by the Mandatory Power with other Governments.

On this understanding, which my Government will be happy to have the French Government confirm, it will be possible to proceed to the signing of the Convention with certain modifications stated below.

Previous drafts of the proposed Convention with regard to Syria and the Lebanon contain no provision for the extending to the mandate territory of Treaties of Extradition between the United States and France. Your Excellency will recall that such provision is made in the Conventions relating to Togoland and the Cameroons, and my Government considers that it would be desirable to add an article to the Convention similar to Article Six of those Conventions. Further, it is suggested for the consideration of the French Government, that it would be desirable to provide that the consular convention between the United States and France should be applicable to Syria and the Lebanon.

In case the French Government is in agreement on the above-mentioned points, the following article, to be numbered Article Seven, (the present Article Seven to be Article Eight), might be inserted:

"The provisions of all Extradition or Consular Treaties or Conventions which may be in force between the United States and France shall apply to the mandated territory."

The French Government will undoubtedly appreciate the importance of safeguarding the position of consular officers, particularly in a territory such

as Syria where capitulatory rights have long been enjoyed and my Government is confident that France, as the Mandatory Power in Syria, will take the necessary measures to effect this. It would be particularly gratifying to my Government if in addition to extending to Syria and the Lebanon the Consular Convention, the French Government would see its way to indicate its intention to assure the special immunities and privileges of Consular officers in this mandate territory.

I am further instructed to inform Your Excellency that my Government is prepared to send me full powers for the prompt signature of the Convention in the form in which it was communicated with your Note of November 2nd, with the addition of the Article suggested above.

With assurances of my high regard,

I have the honor to be, Monsieur le President du Conseil, Your Excellency's obedient servant,

MYRON T. HERRICK

His Excellency

Monsieur POINCARÉ

President of the Council,

Minister for Foreign Affairs,

Paris

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

MINISTRY FOR FOREIGN AFFAIRS
POLITICAL DIVISION

PARIS, April 4, 1924

MR. AMBASSADOR:

By your letter of December 18th last, Your Excellency was good enough to make known the points which your Government would like to have defined in view of the conclusion of the convention relative to the Mandate of France in Syria and the Lebanon.

The Federal Government would like to receive the assurance that its nationals, as well as itself, will benefit in these countries by the most favorable treatment resulting not only from the Agreement recently concluded between France and Italy, but by all other agreements or conventions which may be concluded between the French Government and other governments concerning Syria and the Lebanon. The French Government willingly gives this assurance to the Government of the United States of America.

In the second place, the Federal Government desires that it should be agreed that the extradition treaties concluded between the United States and France should be applicable to the Syrian and Lebanon territories. I have the honor to point out to Your Excellency that Article 7 of the Mandate provides that: "while awaiting the conclusion of special extradition conven-

tions, the extradition treaties in force between foreign Powers and the Mandatory shall be applied in the territories of Syria and the Lebanon". On this account, the extradition treaties between the United States and France are already applicable and would only cease to be so if the Federal Government should desire to have substituted therefor a convention applying especially to the mandated countries.

Lastly, the Federal Government expresses the desire that the Consular Convention in force between the United States and France may also be applicable to Syria and the Lebanon and especially those of its provisions which refer to the immunities and privileges of consuls. The French Government would very willingly introduce a clause on this subject into the draft convention to be concluded with the United States of America if, on account of the peculiar regime of the mandated countries, the insertion of this clause in a convention might not cause reactions, as regards a still undetermined number of other states, whose bearing it is difficult to foresee. Therefore, the French Government thinks it preferable to give in the present letter to the Federal Government the assurance that it will see no objection to the establishment, in any part of Syria and the Lebanon where the Federal Government might deem it useful, of consuls, vice-consuls and consular agents of the United States who will enjoy the treatment accorded by international custom. It also gives the assurance that as far as the privileges and immunities attached to their duties are concerned, the consuls and vice-consuls of the United States will benefit by all the existing provisions of the Franco-American Convention of 1853,⁴ it being understood that the said consuls and vice-consuls shall be citizens of the United States.

I would be much obliged if Your Excellency would be good enough to inform me if these assurances, as well as those contained in my communication of November 2, 1923, give satisfaction to the Federal Government and allow it to proceed to the signature of the draft convention drawn up on July 13, 1922, with the sole changes in wording proposed by Your Excellency and which have just been made therein.

Please accept, Mr. Ambassador, the assurances of my very high consideration.

R. POINCARÉ

His Excellency

Mr. MYRON T. HERRICK,

*Ambassador of the United States of America
at Paris.*

⁴ Convention signed at Washington Feb. 23, 1853 (TS 92, *ante*, p. 834).

The American Ambassador to the Minister of Foreign Affairs

No. 2675

PARIS, April 4, 1924

MONSIEUR LE PRÉSIDENT DU CONSEIL,

In previous communications dated October 24th and December 18th 1923, I have had the honor to bring to Your Excellency's attention the desire of my Government that the existing provisions of the Extradition Treaty of 1909⁵ and the Consular Convention of 1853 between the United States and France should be reciprocally extended to the United States and to Syria and the Lebanon by an appropriate provision to this effect in the proposed convention. With regard to the Mandate, it is my understanding that, for reasons which have already been explained, it is not the desire of your Government to include such a proposal, but that the French Government is prepared to assure to the United States and to American nationals in the mandated territory the rights and privileges provided under the Treaty and Convention respectively.

I am instructed by my Government to express its appreciation of the assurances of the French Government in this respect and to state that, on the basis of this understanding and of the assurances which you have embodied in your communication of November 2, 1923, and of April 4, 1924, it is prepared to proceed to the signature of the convention.

In order, however, that there may be no misunderstanding with regard to the position of nationals of Syria and the Lebanon in the United States, my Government desires me to state that the provisions of the Consular Convention of 1853 would not be applicable with respect to such nationals in the absence of a treaty provision specifically providing for such application, and that, furthermore, the Government of the United States could not assure the application to such nationals in the United States of the provisions of the Extradition Treaty of 1909 in the absence of a treaty provision so providing. At the same time I take pleasure in informing you that, upon the conclusion and ratification of the mandate convention, my Government will raise no objection to the assumption by the diplomatic and consular officers of France of the protection of the interests of the nationals of Syria and the Lebanon in the United States.

I have the honor to be,

Your Excellency's obedient servant,

MYRON T. HERRICK [SEAL]

His Excellency

M. RAYMOND POINCARÉ,

President of the Council,

Minister for Foreign Affairs,

Paris.

⁵ Treaty signed at Paris Jan. 6, 1909 (TS 561, *ante*, p. 872).